

United States Court of Appeals

Eleventh Circuit

56 Forsyth Street, N.W.
Atlanta, Georgia 30303

REVISED 6/15/05

Thomas K. Kahn
Clerk

In Replying Give Number
Of Case and Names of Parties

June 2, 2005

VIA FACSIMILE

TO ALL COUNSEL OF RECORD

Re: No. 02-13654 - United States v. Anita Yates, et al.

Dear Counsel:

For the purposes of the upcoming en banc rehearing in the above-referenced case, the court desires for counsel to focus their briefs on the following issues:

1. Was it a violation of Defendants' rights under the Confrontation Clause of the Sixth Amendment for the district court to admit the testimony of witnesses (who were physically located in a foreign nation) by means of live, two-way video teleconference?
2. (A) May a Clerk of the United States Court administer a valid meaningful oath to a foreign national who recites the oath in a foreign nation by means of a live two-way video conference? (B) Was this issue preserved for review?
3. (A) Should this court consider evidence admitted in violation of the Confrontation Clause when determining whether the district court erred in denying the motion for judgment of acquittal? (B) Was this issue preserved for review?

Appellant's opening brief shall be filed in the Clerk's Office in Atlanta by 5:00 p.m., Tuesday, July 12, 2005. Appellee's opening brief shall be filed in the Clerk's Office in Atlanta by 5:00 p.m., Thursday, August 11, 2005. Any reply brief by the Appellants must be filed in the Clerk's Office in Atlanta by 5:00 p.m., Friday, August 26, 2005. NO EXTENSIONS WILL BE GRANTED. An original and 18 copies of the en banc briefs should be filed (appellants' in blue covers, appellee's in red covers and any reply in gray covers). The parties are expected to insure that all other parties receive a copy of their briefs before the close of business on the day of filing (facsimile, e-mail, etc.). NO TIME FOR MAILING SHALL BE ALLOWED. Any amicus curiae briefs are due on the due date of the principal parties. All parties are also required to upload the brief in electronic format to the court's Web site as described in 11th Cir. R. 31-5.

All counsel are requested to file 16 copies of their opening panel briefs, record excerpts and supplemental authorities prior to 5:00 p.m., Tuesday, July 12, 2005.

The case will be argued before the Court sitting en banc on Thursday, October 6, 2005, in Atlanta, Georgia. Counsel

will be allotted 25 minutes per side for oral argument. Counsel will receive a calendar notifying of the time of oral arguments at a later date.

Thank you for your attention to this matter.

Sincerely,

THOMAS K. KAHN, Clerk

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